IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE J.CHELAMESWAR**

**AND**
**THE HON'BLE MR JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION No.23673 OF 2005**

Between:

N.Janardhana Rao, S/o.Sri N.Kutumba Rao,

Aged about 44 years, Occu: Dy. General Manager (Planning),

R/o.Kavadiguda, Hyderabad.

**..... PETITIONER**

AND

Government of India, rep. by the

Secretary, Dept. of Telecommunications,

Sanchar Bhavan, Ashoka Road,

New Delhi and others.

**....RESPONDENTS**

**THE HON'BLE MR JUSTICE**

**J.CHELAMESWAR**

**AND**
**THE HON'BLE MR JUSTICE**

**RAMESH RANGANATHAN**

**WRIT PETITION No.23673 OF 2005**

**O R D E R**

**(Per Sri Justice J.Chelameswar)**

**Aggrieved by the interim order dated 13.09.2005 in O.A.No.724 of 2005 passed by the Central Administrative Tribunal, Hyderabad, by which the Tribunal granted interim stay of the Departmental Promotional Committee proceedings for promotion to the post of Senior Administrative Grade/General Manager, the present writ petition is filed by a person, who is not a party to the above-mentioned O.A., but whose case for promotion was effected.**

**The present writ petition is filed with the leave of the Court. Notice before admission was ordered on 28.09.2005. All the respondents are served and represented by various learned counsel. The matter is being disposed of at the admission stage itself at the request of all the learned counsel.**

**The writ petitioner, 4th respondent in the writ petition and a number of other persons aspire to be promoted to the Senior Administrative Grade/General Manager. The complete factual details of the matter may not be necessary in view of the pendency of the matter before the Central Administrative Tribunal. Suffice it to say that the petitioner and the 4th respondent aspire for promotion and we are informed that there are some more similarly situated persons who have the requisite length of service enabling them to compete for the above-mentioned post. However, in the case of the writ petitioner and certain others, an order relaxing the requirement of the length of service requisite for consideration to promotion was granted and in the case of 4th respondent, the appropriate authority declined to pass such an order. Challenging the decision of the appropriate authority declining to relax the Rule pertaining to the length of service to be eligibile for promotion, the above-mentioned O.A. was filed. In the said O.A. the impugned interim order was passed and hence the present writ petition.**

**Whether the case of the 4th respondent-applicant in the O.A. is to be treated on par with the case of the writ petitioner and others who are similarly situated, is a matter to be decided by the Tribunal on an appropriate consideration of the material placed before it. Even assuming that the case of 4th respondent is also required to be considered and relaxation such as the one granted to the writ petitioner is to be**

**granted to him. Admittedly the 4th respondent is not the only person who is entitled for such a promotion and relaxation as we are informed that there are many persons who are similarly situated. The 4th respondent herein does not challenge the relaxation granted in favour of the writ petitioner or certain other persons belonging to the same class as the writ petitioner.**

**In the circumstances, we do not see any justification to withhold the proceedings of the Departmental Promotional Committee (DPC). The 4th respondent herein if succeeds in the O.A., at the most, he is entitled for consideration of his case for promotion along with the writ petitioner and others.**

**In the circumstances, we deem it appropriate to allow the writ petition setting aside the impugned order. But, at the same time we also deem it appropriate to give further direction to the official respondents not to fill up one of the posts pending disposal of the O.A., which post shall be filled up depending upon the out-come of the O.A. on consideration of the 4th respondent in accordance with law.**

**The only point of agreement between the writ petitioner and the 4th respondent is that if the O.A. is not disposed of expeditiously, the opportunity of promotion would be lost for all the concerned in view of the certain developments that had taken place in the Organisation in the recent past. In the circumstances, we desire that the O.A., which is pending before the Central Administrative Tribunal, shall be disposed of expeditiously, preferably within a period of two weeks from the date of receipt of a copy of this order.**

---

**JUSTICE J.CHELAMESWAR**

---

**JUSTICE RAMESH RANGANATHAN**

**8th NOVEMBER, 2005**

**Note: Issue copy in two days.**

**(B/O) PGS**

**THE HON'BLE MR JUSTICE**

**J.CHELAMESWAR**

**AND**
**THE HON'BLE MR JUSTICE**

**RAMESH RANGANATHAN**

**WRIT PETITION No.23673 OF 2005**

**(Per Sri Justice J.Chelameswar)**

**8TH NOVEMBER, 2005**